



IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

TWITTER, INC.,)	
)	
Plaintiff and)	
Counterclaim-Defendant,)	
)	
v.)	C.A. No. 2022-0613-KSJM
)	
ELON R. MUSK, X HOLDINGS I, INC.,)	
and X HOLDINGS II, INC.,)	
)	
Defendants and)	
Counterclaim-Plaintiffs.)	

[PROPOSED] ORDER GRANTING DEFENDANTS AND COUNTERCLAIM-PLAINTIFFS MOTION FOR LEAVE TO AMEND DEFENDANTS’ VERIFIED COUNTERCLAIMS, ANSWER, AND AFFIRMATIVE DEFENSES TO PLAINTIFF’S VERIFIED COMPLAINT AND MOTION TO EXTEND CASE SCHEDULE AND CONTINUE TRIAL

Upon consideration of Defendants and Counterclaim-Plaintiffs Motion for Leave to Amend Defendants’ Verified Counterclaims, Answer, and Affirmative Defenses to Plaintiff’s Verified Complaint and Motion to Extend Case Schedule and Continue Trial (the “Motion”);

IT IS HEREBY ORDERED this ___ day of _____, 2022, that the Motion is GRANTED;

1. Defendants and Counterclaim Plaintiffs’ may file the Verified Amended Counterclaims, Answer, and Affirmative Defenses to Plaintiff’s Verified Complaint; and

2. The dates in the case schedule are modified per the below, all other provisions in the Order Governing Case Schedule remain in place:

	Event	Date
(a)	Deadline to answer Complaint and file counterclaims. Plaintiff shall answer any counterclaims by August 4, 2022, at 5:00 p.m.	July 29, 2022, 5:00 p.m.
(b)	Deadline for serving initial requests for production of documents and initial interrogatories. The parties shall use best efforts to be complete in their initial requests. Later requests will be permitted for good cause only.	July 29, 2022, 12:00 p.m.
(c)	Deadline for serving initial discovery requests on third parties.	August 1, 2022, 5:00 p.m.
(d)	Deadline to serve final request for production of documents and final interrogatories, permitted for good cause only.	August 12, 2022, 12:00 p.m.
(e)	Deadline for identifying opening expert witnesses and the general subject matter of their testimony.	August 15, 2022, 5:00 p.m.
(f)	Parties to substantially complete document productions for served discovery requests.	August 29, 2022, 5:00 p.m.
(g)	Deadline for serving requests for production of documents and interrogatories regarding new allegations in the Amended Counterclaims.	September 2, 2022, 11:59 p.m.
(h)	Deadline to answer Amended Counterclaims	September 14, 2022, 5:00 p.m.

(i)	Parties to substantially complete document productions for discovery requests relating to the Amended Counterclaims.	September 26, 2022, 5:00 p.m.
(j)	Parties to exchange privilege logs.	October 3, 2022, 5:00 p.m.
(k)	Deadline for moving to compel or moving for a protective order in connection with written discovery or document discovery. Any motion must be presented pursuant to the protocol established in Paragraph 14 below.	October 5, 2022, 5:00 p.m.
(l)	Parties to exchange opening expert reports along with all materials relied upon by the experts. Any materials relied upon by the experts previously produced to the opposing party in discovery need not be re-produced but must be identified by Bates number.	October 7, 2022, 12:00 p.m.
(m)	Parties to serve initial list of trial witnesses. The parties shall use best efforts to be complete in their initial lists, which should include adverse and third-party witnesses. A party will be permitted to identify witnesses at a later time for good cause only.	October 10, 2022, 5:00 p.m.
(n)	Parties to complete fact discovery, including depositions, except for any fact discovery subject to a motion to compel or motion for a protective pending as of this date.	October 10, 2022, 5:00 p.m.
(o)	Parties to identify rebuttal expert witnesses and general subject matter of rebuttal testimony.	October 12, 2022, 5:00 p.m.
(p)	Deadline for moving to compel or moving for a protective order as to any	October 19, 2022, 5:00 p.m.

	fact discovery issues not subject to the deadline set forth in Paragraph 1(h) above. Any motion must be presented pursuant to the protocol established in Paragraph 14 below.	
(q)	Parties to exchange rebuttal expert reports along with all materials relied upon by the experts. Any materials relied upon by the experts previously produced to the opposing party in discovery need not be re-produced but must be identified by Bates number.	October 19, 2022, 5:00 p.m.
(r)	Parties to identify any potential trial witnesses not previously identified along with a statement of good cause for not previously identifying the witness. The parties shall work together in good faith to schedule the deposition, within seven calendar days following their identification, of any trial witnesses identified pursuant to this paragraph who had not previously been deposed. The parties shall work in good faith to schedule and hold any such deposition regardless of any dispute over whether the witness should appear at trial.	October 20, 2022, 5:00 p.m.
(s)	Parties to complete expert depositions.	October 27, 2022, 5:00 p.m.
(t)	Parties to provide final list of all trial witnesses.	November 2, 2022, 5:00 p.m.
(u)	Plaintiff's counsel to provide Defendants' counsel with a draft of the pre-trial order.	November 2, 2022, 5:00 p.m.
(v)	Defendants' counsel to provide Plaintiff's counsel a markup of the draft pre-trial order.	November 7, 2022, 5:00 p.m.

(w)	Deadline for filing motions in <i>limine</i> .	November 8, 2022, 5:00 p.m.
(x)	Parties to submit joint pre-trial order and exhibit list.	November 9, 2022, 5:00 p.m.
(y)	Deadline for filing responses to motions in <i>limine</i> .	November 9, 2022, 12:00 p.m.
(z)	Deadline for submitting pre-trial briefs.	November 10, 2022, 12:00 p.m.
(aa)	Pre-trial conference. Any motions in <i>limine</i> will be argued during the pre-trial conference.	November 2022, subject to the Court's availability
(bb)	Trial	November 2022, subject to the Court's availability

Chancellor Kathaleen St. J McCormick